

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA**

**Richmond Division**

<b>SEALED PLAINTIFF 1</b>	)	
	)	
<b>and</b>	)	
	)	
<b>SEALED PLAINTIFF 2,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Civil Action No. 3:22 cv 670-MHL</b>
	)	
<b>v.</b>	)	
	)	
<b>PATRIOT FRONT, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants Nathan Noyce, Thomas Dail, Paul Gancarz, Daniel Turechi, and Aedan Tredinnick, by counsel, respectfully bring to the Court's attention the Supreme Court's opinion, issued yesterday, in *Counterman v. Colorado*, No. 22-138 (June 27, 2023). This opinion addresses the nature of the First Amendment "True Threat" doctrine and, defendants submit, is directly relevant to issues presently before the Court on the defendants' motion to dismiss.

Defendants stand ready, as instructed by the Court, to present supplemental briefing on the impact of the *Counterman* decision on the issues presented by defendants' motion.

Respectfully submitted,

By: \_\_\_\_\_/s/\_\_\_\_\_  
Counsel

Bradley P. Marrs (VSB#25281) Marrs  
& Henry  
7202 Glen Forest Drive, Suite 307  
Richmond, VA 23226  
Tel. (804) 662-5716 Fax  
(804) 662-5712  
bmarrs@marrs-henry.com

Glen K. Allen, *Pro Hac Vice*  
Glen Allen Law  
5423 Springlake Way  
Baltimore, MD 21212 Tel.  
(410) 802-6453  
[glenallenlaw@protonmail.com](mailto:glenallenlaw@protonmail.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 28, 2023, a true and accurate copy of the foregoing was served via ECF procedures of this Court to the following counsel of record:

Michael R. Shebelskie  
Hunton Andrews Kurth LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street

Richmond, VA 23219-4074  
mshebelskie@huntonak.com

Ryan P. Phair  
Hunton Andrews Kurth LLP  
2200 Pennsylvania Avenue, NW, Suite 900  
Washington, DC 20037-1701  
rphair@huntonak.com

Edward G. Caspar  
Arthur Ago  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street, NW, Suite 900  
Washington, DC 20005  
aago@lawyerscommittee.org

\_\_\_\_\_/s/\_\_\_\_\_  
Bradley P. Marrs (VSB#25281)  
Marrs & Henry  
7202 Glen Forest Drive, Suite 307  
Richmond, VA 23226  
Tel. (804) 662-5716 Fax  
(804) 662-5712  
bmarrs@marrs-  
henry.com  
*Counsel for defendants*